

HARTMAN & CRAVEN LLP
Peter G. Goodman (PG 4210)
488 Madison Avenue, 16th Floor
New York, New York 10022
(212) 753-7500

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NATIONAL UTILITY SERVICE, INC.,

Plaintiff,

-against-

**TIFFANY & CO. and TIFFANY AND
COMPANY,**

Defendant.

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: **Case No.: 07 CV 3345 (RJS)**

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: **PROPOSED CASE**
: **MANAGEMENT PLAN AND**
: **SCHEDULING ORDER**

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RICHARD J. SULLIVAN, District Judge:

At the conference before the Court held on _____, this Case Management Plan and Scheduling Order was adopted in accordance with Rules 16-26(f) of the Federal Rules of Civil Procedure.

1. All parties do not consent to trial by Magistrate Judge, pursuant to 28 U.S.C. § 636(c).
2. This case is to be tried to a jury.

3. No additional parties may be joined except with leave of the Court.
4. Amended pleadings may not be filed except with leave of the Court.
5. Initial disclosures pursuant to Rule 26(a)(1) will be completed not later than November 1, 2007.
6. All *fact* discovery is to be completed no later than March 14, 2008.
7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in paragraph 6 above:
 - a. Initial request for production of documents to be served by November 1, 2007.
 - b. Interrogatories to be served by December 3, 2007.
 - c. Depositions to be completed by March 14, 2008.
 - i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
 - ii. There is no priority in deposition by reason of a party's status as plaintiff or defendant.
 - iii. Unless the parties agree or the Court so orders, non-party depositions shall follow initial party depositions.
 - d. Requests to Admit to be served no later than March 14, 2008.
8. All *expert* disclosures, including reports, production of underlying documents and depositions are to be completed by:
 - a. Expert(s) of Plaintiff(s) June 16, 2008.
 - b. Expert(s) of Defendant(s) June 16, 2008.
9. Motions: All motions and applications shall be governed by the Court's Individual Practices, including pre-motion conference requirements. Summary Judgment or other dispositive motions are due at the close of discovery. Pursuant to the undersigned's Individual Practices, the parties shall request a pre-motion conference in writing at least four (4) weeks prior to this deadline.
10. All counsel must meet for at least one hour to discuss settlement not later than two weeks following the close of fact discovery.

11. a. Counsel for the parties have discussed holding a settlement conference before a Magistrate Judge.

b. The parties request a settlement conference before a Magistrate Judge.
 12. a. Counsel for the parties have discussed the use of the Court's Mediation Program.

b. The parties do not request that the case be referred to the Court's Mediation Program.
 13. a. Counsel for the parties have discussed the use of a privately-retained mediator.

b. The parties do not intend to use a privately-retained mediator.
 14. The Parties shall submit a Joint Pretrial Order prepared in accordance with the undersigned's Individual Practice Rule 3 and Rule 26(a)(3). If this action is to be tried before a jury, proposed *voir dire*, jury instructions and a verdict form shall be filed with the Joint Pretrial Order. Counsel are required to meet and confer on jury instructions and verdict form in an effort to make an agreed upon submission.
 15. Parties have conferred and their present best estimate of the length of trial is 6 days.
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TO BE COMPLETED BY THE COURT:

16. [Other directions to the parties:]
17. The (next Case Management)(Final Pretrial Conference) is scheduled for _____.

SO ORDERED.

DATED: New York, New York
_____, 2007

RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE